

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 02 2010


THOMAS RAVILLE, Plaintiff, v. NORTHERN STATES POWER COMPANY, Defendant.	Civ. 10- <u>4127</u> COMPLAINT
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COMES NOW Plaintiff and for his cause of action alleges as follows:

1. Plaintiff is a resident of Marion, South Dakota.
2. Defendant is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota.
3. Defendant, through its employee, was negligent and caused damage to Plaintiff in excess of \$100,000.00.
4. Jurisdiction is based upon diversity of citizenship pursuant to 28 USC § 1332(a)(1).
5. Venue is proper in the District of South Dakota, Southern Division pursuant to 28 USC § 1391(a)(2) because a substantial part of the events giving rise to Plaintiff's cause of action occurred in McCook County, South Dakota.
6. On January 25, 2009, Plaintiff was traveling southbound on 447th Avenue in McCook County, South Dakota.
7. Plaintiff encountered an area of roadway with limited visibility due to a snow storm. Plaintiff slowed his vehicle to a near stop due to the limited visibility and became stuck.

8. At the same time, Defendant's employee, Joel Bialas, was driving his employer's truck southbound on 447th Avenue in McCook County, South Dakota.

9. Bialas was acting within the scope of his employment at all times relevant to this action.

10. Bialas entered the same area of limited visibility and struck Plaintiff and collided with the rear end of Plaintiff's vehicle.

11. Bialas was not traveling at an appropriate speed in light of the road conditions.

12. The collision was caused by Bialas's excessive speed in light of the road conditions, failure to maintain control of his vehicle, failure to drive according to the existing road conditions, failure to keep a proper lookout and otherwise negligent and careless conduct.

13. Bialas had a duty to drive in a safe and prudent manner. Bialas was negligent and breached his duties of care to Plaintiff.

14. As a direct result of Bialas's negligence, Plaintiff suffered from several fractures to his leg and shoulder causing him to be permanently impaired.

15. As a direct result of Bialas's negligence, Plaintiff has incurred medical expenses of at least \$112,444.00, lost wages in an amount still to be determined, and property damage of at least \$4,079.73.

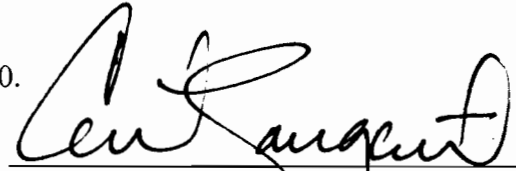
16. As a direct result of Bialas's negligence, Plaintiff has endured pain and loss of enjoyment of life.

17. As a direct result of Bialas's negligence, Plaintiff is permanently injured, and he will continue to have pain and loss of enjoyment of life for the remainder of his life.

18. Defendant is liable for the conduct of Bialas under the doctrine of respondeat superior.

WHEREFORE Plaintiff prays for judgment in excess of \$250,000.00 for compensatory damages, prejudgment interest, costs, and disbursements and for such other relief as the Court shall deem just and equitable.

Dated this 2nd day of September, 2010.

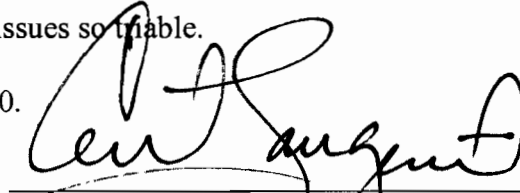


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DEMAND FOR JURY TRIAL

Plaintiff hereby requests trial by jury on all issues so triable.

Dated this 2nd day of September, 2010.



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